

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE FISH, WILDLIFE AND PARKS COMMITTEE**

**Date:** Thursday, March 26, 2009  
**Place:** Capitol

**Time:** 2:00 pm  
**Room:** 152

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 164, SB 228, SB 436, SB 470

\_\_\_\_\_  
\_\_\_\_\_

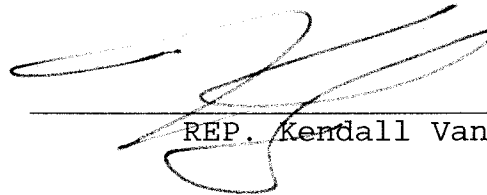
**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SS 19 TIE SB 31 TIE SB 213 TIE SB 32 FAIL  
SB 437 TIE SB 164 BCAA SB 228 BC SB 470 TABLED

\_\_\_\_\_  
\_\_\_\_\_

**COMMENTS:**



REP. Kendall Van Dyk, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE: 3/26/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
Vice Chair McAlpin	X	
Vice Chair Hendrick	X	
Representative Barrett	X	
Representative Beck	X	
Representative Boland	X	
Representative Boniek	X	
Representative Calf Boss Ribs	X	
Representative Cohenour	X	
Representative Miller		X
Representative O'Hara	X	
Representative Peterson	X	
Representative Phillips	X	
Representative Pomnichowski	X	
Representative Sales	X	
Representative Smith	X	
Representative Washburn	X	
Representative Welborn		X
Chairman Van Dyk	X	



## HOUSE STANDING COMMITTEE REPORT

March 27, 2009

Page 1 of 4

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **Senate Bill 164** (third reading copy – blue) be concurred in as amended.

Signed: \_\_\_\_\_

*Representative Kendall Van Dyk, Chair*

To be carried by Representative Scott Sales

**And, that such amendments read:**

1. Title, line 13.

**Following:** "~~WATER,~~"

**Insert:** "PROVIDING A STATUTORY APPROPRIATION;"

**Following:** "SECTIONS"

**Insert:** "17-7-502,"

2. Title, line 14.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 17.

**Insert:** "Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition --  
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory

**Committee Vote:**

**Yes 18, No 0**

**Fiscal Note Required** \_\_\_\_

SB0164001SC02558.hjd

appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; [section 5]; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

**Renumber:** subsequent sections

4. Page 2, line 21.

**Following:** "control"

**Strike:** "as the first priority"

5. Page 3, line 17.

**Following:** "control"

**Strike:** "as the first priority"

6. Page 4, line 5.

Following: "subsection"

Insert: ", except that portion of acquisitions made with funds provided under 87-1-242(1),"

7. Page 4, line 7.

Following: "PRICE"

Insert: "or \$300,000, whichever is less,"

8. Page 4, line 8.

Strike: "4"

Insert: "5"

Following: "used in"

Strike: "subsection (3)(e) and"

9. Page 6, line 8.

Following: "ACCOUNT"

Insert: "-- annual report"

Following: "ACCOUNT."

Insert: "(1)"

10. Page 6, line 9.

Following: "FUND."

Strike: "PURSUANT" through "PRICE"

Insert: "In addition to the funds"

11. Page 6, line 10.

Following: "DEPARTMENT"

Strike: "MUST BE DEPOSITED IN THE ACCOUNT."

Insert: "pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a);

(b) interest earned on the account; and

(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

(2)"

12. Page 6, line 11.

Following: "ACCOUNT"

Insert: "are statutorily appropriated to the department and "

13. Page 6, line 12.

Following: "DEPARTMENT."

Strike: remainder of line 12

Insert: "(3)(a) The department shall provide an annual report

regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.

(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.

(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year."

14. Page 6, line 14.

Following: "SECTION"

Strike: "4"

Insert: "5"

15. Page 6, line 16.

Strike: "4"

Insert: "5"

16. Page 6, line 19.

Insert: "NEW SECTION. Section 8. Termination. [This act] terminates June 30, 2013."

- END -



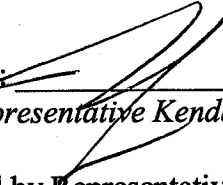
## HOUSE STANDING COMMITTEE REPORT

March 27, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **Senate Bill 228** (third reading copy – blue) **be concurred in.**

Signed: 

*Representative Kendall Van Dyk, Chair*

To be carried by Representative Jeffery Welborn

- END -

**Committee Vote:**

**Yes 12, No 6**

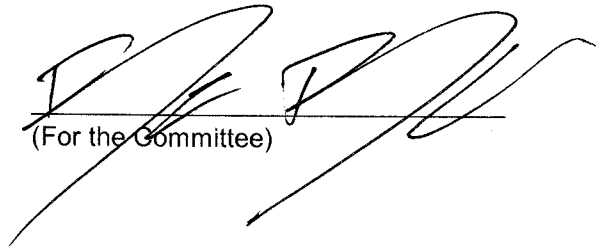

Fiscal Note Required ☐

SB0228001SC06490.hjd

## COMMITTEE FILE COPY

### TABLED BILL

The **HOUSE FISH, WILDLIFE AND PARKS COMMITTEE** TABLED **HB 470**, by motion, on **Thursday, March 26, 2009**.

  
(For the Committee)  
(Chief Clerk of the House)  
\_\_\_\_\_, 3/27  
(Time) (Date)

March 27, 2009

Bryce I. Bennett, Secretary

Phone: 406-546-3629



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SS 19  
 MOTION: BE CONCURRED IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick	1		
Representative Barrett		2	
Representative Beck		3	
Representative Boland		4	
Representative Boniek	2		
Representative Calf Boss Ribs		5	
Representative Cohenour		6	
Representative Miller	3P		
Representative O'Hara	4		
Representative Peterson	5		
Representative Phillips		7	
Representative Pomnichowski		8	
Representative Sales	6		
Representative Smith	7		
Representative Washburn	8		
Representative Welborn	9		
Chairman Van Dyk		9	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 31  
MOTION: BE AMENDED (HB003103.ADS)

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick		2	
Representative Barrett	1		
Representative Beck	2		
Representative Boland	3		
Representative Boniek		3	
Representative Calf Boss Ribs	4		
Representative Cohenour	5		
Representative Miller		4P	
Representative O'Hara	6		
Representative Peterson		5	
Representative Phillips	7		
Representative Pomnichowski	8		
Representative Sales		6	
Representative Smith		7	
Representative Washburn		8	
Representative Welborn		9	
Chairman Van Dyk	9		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 31  
 MOTION: TABLE

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	X		
Vice Chair Hendrick		X	
Representative Barrett	X		
Representative Beck	X		
Representative Boland	X		
Representative Boniek		X	
Representative Calf Boss Ribs	X		
Representative Cohenour	X		
Representative Miller		X	
Representative O'Hara		X	
Representative Peterson		X	
Representative Phillips	X		
Representative Pomnichowski	X		
Representative Sales		X	
Representative Smith		X	
Representative Washburn		X	
Representative Welborn		X	
Chairman Van Dyk	X		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 31

MOTION: BE CONCURRED IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick	1		
Representative Barrett		2	
Representative Beck		3	
Representative Boland		4	
Representative Boniek	2		
Representative Calf Boss Ribs		5	
Representative Cohenour		6	
Representative Miller	3P		
Representative O'Hara	4		
Representative Peterson	5		
Representative Phillips		7	
Representative Pomnichowski		8	
Representative Sales	6	<del>10</del>	
Representative Smith	7		
Representative Washburn	8		
Representative Welborn	9		
Chairman Van Dyk		9	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 213  
 MOTION: BE AMENDED (SB 021301.ADS)

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	1		
Vice Chair Hendrick		1	
Representative Barrett	2		
Representative Beck	3		
Representative Boland	4		
Representative Boniek		2	
Representative Calf Boss Ribs	5		
Representative Cohenour	6		
Representative Miller		3P	
Representative O'Hara		4	
Representative Peterson		5	
Representative Phillips	7		
Representative Pomnichowski	8		
Representative Sales		6	
Representative Smith		7	
Representative Washburn		8	
Representative Welborn		9	
Chairman Van Dyk	9		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 213  
MOTION: BE CONCURRED IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick	1		
Representative Barrett		2	
Representative Beck		3	
Representative Boland		4	
Representative Boniek	2		
Representative Calf Boss Ribs		5	
Representative Cohenour		6	
Representative Miller	3P		
Representative O'Hara	4		
Representative Peterson	5		
Representative Phillips		7	
Representative Pomnichowski		8	
Representative Sales	6		
Representative Smith	7		
Representative Washburn	8		
Representative Welborn	9		
Chairman Van Dyk		9	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 32  
MOTION: REMOVE FROM THE TABLE

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick	1		
Representative Barrett		2	
Representative Beck		3	
Representative Boland		4	
Representative Boniek	2	<del>4</del>	
Representative Calf Boss Ribs		5	
Representative Cohenour		6	
Representative Miller			
Representative O'Hara	3		
Representative Peterson	4		
Representative Phillips		7	
Representative Pomnichowski		8	
Representative Sales			
Representative Smith	5		
Representative Washburn	6		
Representative Welborn	7		
Chairman Van Dyk		9	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 437  
MOTION: BE AMENDED (HB 043701 ASK)

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	1		
Vice Chair Hendrick		1	
Representative Barrett	2		
Representative Beck	3		
Representative Boland	4		
Representative Boniek		2	
Representative Calf Boss Ribs	5		
Representative Cohenour	6		
Representative Miller		3P	
Representative O'Hara		4	
Representative Peterson		3	
Representative Phillips	7		
Representative Pomnichowski	8		
Representative Sales		6P	
Representative Smith		7	
Representative Washburn		8	
Representative Welborn		9	
Chairman Van Dyk	9		



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 437  
 MOTION: BE CONCURRED IN AS AMENDED

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	1		
Vice Chair Hendrick		1	
Representative Barrett	2		
Representative Beck	3		
Representative Boland	4		
Representative Boniek		2	
Representative Calf Boss Ribs	5		
Representative Cohenour	6		
Representative Miller		3P	
Representative O'Hara		4	
Representative Peterson		5	
Representative Phillips	7		
Representative Pomnichowski	8		
Representative Sales		6P	
Representative Smith		7	
Representative Washburn		8	
Representative Welborn		9P	
Chairman Van Dyk	9		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 228  
 MOTION: BE CONCURRED IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	1		
Vice Chair Hendrick	2		
Representative Barrett	<del>1</del>	1	
Representative Beck	3		
Representative Boland		2	
Representative Boniek	4		
Representative Calf Boss Ribs		3	
Representative Cohenour		4	
Representative Miller	5P		
Representative O'Hara	6		
Representative Peterson	7		
Representative Phillips	8		
Representative Pomnichowski		5	
Representative Sales	9		
Representative Smith	10		
Representative Washburn	11		
Representative Welborn	12		
Chairman Van Dyk		6	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FISH, WILDLIFE, & PARKS COMMITTEE**

DATE 3/26/09 BILL NO SB 470  
MOTION: BE CONCURRED IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin		1	
Vice Chair Hendrick		2	
Representative Barrett		3	
Representative Beck		4	
Representative Boland	1		
Representative Boniek		5	
Representative Calf Boss Ribs		6	
Representative Cohenour	2		
Representative Miller		7P	
Representative O'Hara		8	
Representative Peterson		9	
Representative Phillips		10	
Representative Pomnichowski		11	
Representative Sales		12	
Representative Smith		13	
Representative Washburn		14	
Representative Welborn	3		
Chairman Van Dyk	4		

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the Fish, Wildlife Parks

Committee because of other commitments. I desire to leave my proxy vote with:

Vice Chair Hendricks

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 19	✓	
Table	✓	
SB 31	✓	
amend SB003101-adj	✓	
no table		✓
amend SB003103-adj		✓
SB 213	✓	
amend SB 21301-adj		✓
SB 437		✓
amend SB043701-adj		✓
amend SB043704-adj		✓
SB 436 Table	✓	
SB 164	✓	
amend SB016401-adj	✓	
amend Comp. 1	✓	

BILL/AMENDMENT	AYE	NO
SB 228	✓	
SB 470		✓
Table	✓	

Rep. Nyle Mills  
(Signature)

Date 3-26-09

**HOUSE OF REPRESENTATIVES**  
**ABSENTEE VOTE**

DATE: 3-26-09

Mr. Chairman / Mr. Speaker:

I, the undersigned member, hereby vote absentee on: FWR

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment. Vice Chair Hendrick

BILL/AMENDMENT	AYE	NO
<u>SB 437</u>		<input checked="" type="checkbox"/>
<del>SB 437</del>		
<u>amend SB 437 04.a.j.k</u>		<input checked="" type="checkbox"/>
<u>amend SB 437 04.a.j.k</u>		<input checked="" type="checkbox"/>
<u>SB 436 Table</u>	<input checked="" type="checkbox"/>	

BILL/AMENDMENT	AYE	NO

Rep. \_\_\_\_\_

(Signature)

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the FWP

**Committee because of other commitments. I desire to leave my proxy vote with:**

Vice-Chair: Hendricks

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

# BILL/AMENDMENT

**AYE NO**

# BILL/AMENDMENT

AYE NO

[illegible][illegible]

Rep.

(Signature)

Date \_\_\_\_\_

Date 3-26-89

**Sponsor(s)** SEN. GALLUS

# Montana House of Representatives Visitors Register

## FISH, WILDLIFE, AND PARKS COMMITTEE

Date 3/26/09

Bill No. SB 228

Sponsor(s) SEN. BARRETT

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



# Montana House of Representatives Visitors Register

## FISH, WILDLIFE, AND PARKS COMMITTEE

Date 3/26/09

Bill No. SB 164

Sponsor(s) SEN. BAKRETT

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**Montana House of Representatives  
Visitors Register**

**FISH, WILDLIFE, AND PARKS COMMITTEE**

**Date** 3/26/09

**Bill No.** SB 436

**Sponsor(s)** SEN. GALLUS

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
CHRIS SMITH	FWP			X
Joelle Sells	MBA			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.